Treaty Negotiations Office

2004/05
Annual Service Plan Report

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* *Refer to note on page 3.*

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PLEASE NOTE: On June 16, 2005, the government ministries were re-organized to reflect the new cabinet responsibilities. Many of the website addresses and links in this printed report may have changed following the government re-organization.

- A list of the new ministries is available on the government website at http://www.gov.bc.ca — follow the links to Ministries and Organizations.
- An index of all 2004/05 Annual Service Plan Reports, with up-to-date website links, is available online at http://www.bcbudget.gov.bc.ca/annualreports/ .

Message from the Minister and Accountability Statement

I am pleased to present the Treaty Negotiations Office 2004/05 Annual Service Plan Report on the Office's achievements during the fiscal year ending March 31, 2005.

This report reflects our continued efforts to fulfil our mission: to provide leadership in concluding agreements to support strong and healthy First Nation communities and prosperity for all British Columbians.

The Treaty Negotiations Office works collaboratively with provincial ministries, First Nation organizations, the federal government and other partners to establish workable arrangements with First Nations and increase certainty with respect to the use of Crown lands and resources in British Columbia.

Over the past year, the Office has worked hard to achieve its goals and has achieved success in many areas.

Negotiators continue to work with the Lheidli T'enneh, Maa-nulth, Sliammon and Tsawwassen First Nations to achieve Final Agreements. An Agreement-in-Principle was initialed with the Yekooche First Nation and significant progress was made in concluding Agreements-in-Principle with the Yale and In-Shuck First Nations.

Our government has worked hard to improve relations with First Nations both in and out of the treaty process. A government to government dialogue has been established with First Nations' leadership in order that we can jointly seek approaches to reconcile our respective interests and aspirations. An improved relationship, founded on trust and respect, will benefit not only First Nations, but all British Columbians, for future generations.

The 2004/05 Treaty Negotiations Office Annual Service Plan Report compares the actual results to the expected results identified in the Office's 2004/05 Service Plan. I am accountable for those results as reported.

Honourable Geoff Plant
Attorney General and
Minister Responsible for Treaty Negotiations

June 15, 2005

Highlights of the Year

The Treaty Negotiations Office's accomplishments in fiscal 2004/05 include:

1. British Columbia initialed an Agreement-in-Principle with the Yekooche First Nation. Once initialed by all parties, the approval of this Agreement-in-Principle indicates that treaty negotiations may now move forward to the Final Agreement stage of the British Columbia Treaty Commission negotiation process[1] and further reflects government's commitment to revitalize the treaty process in British Columbia.
2. Entered into three accommodation agreements with First Nations, including the Sea to Sky Highway Upgrade, the St'at'imc Protocol and the Tahltan and Iskut Memorandum of Understanding.
3. Facilitated six partnership initiatives between First Nations and local governments to foster improved relationships.
4. Promoted First Nations participation in shellfish aquaculture, tourism, forestry and the oil and gas sectors, as well as the 2010 Olympic and Paralympic Games through 34 economic development projects totaling $5.3 million dollars in fiscal 2004/05.
5. Concluded 28 Treaty Related Measures which facilitated progress at a number of treaty tables.
6. Held the third annual meeting between First Nations Summit Chiefs and Cabinet.

[1] See Appendix 1.

Office Role and Services

Vision, Mission and Values

Vision

Treaty and other agreements with First Nations are concluded, bringing certainty to the land, and economic and social benefits to all British Columbians. By reconciling the difficult nature of our past relationships, we will develop co-operative associations and build mutual respect and trust in our communities.

Mission

The Treaty Negotiations Office provides leadership across government in concluding agreements with First Nations. The Office works collaboratively with other provincial ministries, First Nations organizations, the federal government and other partners to establish workable arrangements with First Nations and increase certainty over Crown lands and resources in British Columbia.

Values

The Treaty Negotiations Office recognizes that achieving its goals depends on the continued support of a professional, skilled and knowledgeable workforce. Staff endeavors to meet the organization's goals in a progressive, innovative and results-oriented manner. They deliver services efficiently, effectively and with a clear sense of pride and purpose.

Our Values are:	Our Leadership Philosophy is to:
Accountability	• be accessible and responsive to our partners and stakeholders • measure and report on our performance at all levels
Innovation	• be flexible and creative in developing negotiation solutions • embrace technological change to capture new opportunities • make strategic investments in our people
Respect and Integrity	• treat our partners and stakeholders as clients, with a focus on dedicated and respectful service • value diversity and differences of opinion • conduct ourselves ethically and professionally
Trust and Honesty	• maintain open and transparent activities • respond to public, partner and stakeholder feedback

Office Overview, Core Business Areas and Structure

Office Overview

The Treaty Negotiations Office is responsible for the negotiation of treaties and other agreements with First Nations that help to build economic strength and stability. Treaties are constitutionally protected agreements negotiated between First Nations and the governments of British Columbia and Canada. They set out a new relationship between parties by defining their respective rights and responsibilities, thus creating certainty with respect to the use of Crown land and resources. It is through the negotiation of treaties and other agreements that the Treaty Negotiations Office works toward creating a more stable climate that facilitates economic investment and supports its mission to conclude treaties and other agreements with First Nations. To facilitate this work, the Office is structured into three core business areas:

Negotiations

Negotiations includes the processes required to successfully reconcile Aboriginal rights and title with Crown title in British Columbia. Treaties are negotiated through a six-stage process overseen by the British Columbia Treaty Commission, an independent body established in 1993 by British Columbia, Canada and the First Nations Summit[2]. During the six-stage treaty process, the parties also negotiate other significant agreements that help to build certainty. These include Agreements-in-Principle, land protection agreements, self-government agreements and fiscal financing agreements[3]. All negotiations conducted by the Treaty Negotiations Office adhere to British Columbia's publicly endorsed negotiating principles defined in the 2002 Referendum on Treaty Principles[4].

The courts have been clear that the Crown has a legal duty to consult and accommodate First Nations where their Aboriginal rights may be affected. This core business area provides leadership and coordination across government to ensure this obligation is being met. Accommodation agreements with First Nations may include transferring economic benefits, engaging First Nations in land-use planning processes and seeking their input on resource management decisions. Efforts are focused on creating predictable day-to-day economic activity on Crown lands, increasing access to provincial lands and resources, and facilitating economic development.

The Province has a responsibility to represent and promote the interests of all British Columbians. As a result, provincial treaty negotiators engage in consultation as part of their negotiating responsibilities. Discussions on specific matters provide local

[2] The First Nations Summit is an Aboriginal political organization that represents First Nations in British Columbia who are engaged in treaty negotiations.

[3] Agreements-in-Principle, land protection agreements, self-government agreements and fiscal financing agreements are representative of the various types of agreements the Treaty Negotiations Office enters into with First Nations to further the process toward the conclusion of treaties.

[4] See Appendix 2.

government, business representatives and other community groups with opportunities to raise concerns and provide input on ways to reach resolutions on issues under negotiation. Through this process, critical support for treaty-making, and other negotiations, is built at the community level.

This core business area also includes support services required by the Office to carry out its day-to-day responsibilities, including salaries, benefits, and operating expenses. Core support services are provided by the Ministry of Attorney General.

Economic Development

The Province supported economic development opportunities for First Nations through the Economic Development Fund from fiscal 2002/03 - 2004/05. Funding was provided to improve access to training, expand business skills and knowledge, and to stimulate economic development by encouraging First Nations' entrepreneurship, enterprise and participation in British Columbia's economy.

The Treaty Negotiations Office administered this funding on behalf of the Province and in fiscal 2004/05 approximately $5.3 million was allocated to 34 projects to be completed through March 2005. Types of projects that have been funded include:

- Partnerships between Aboriginal communities and industry or local government;
- Increased First Nations' access to resource tenures;
- Measures that addressed specific land and resource issues, including First Nations' involvement in strategic land-use planning; and
- Measures that increased First Nations' capacity to engage in the economy.

Reconciliation

The Treaty Negotiations Office embraces reconciliation as a guiding principle under which all parties work together to resolve their differences. By acknowledging each other's respective rights and responsibilities, we are able to forge new relationships built upon mutual trust and to support a positive future for all British Columbians. Court cases such as the *Haida/Taku* decisions have provided us with direction as to how government fulfills its legal obligation to consult and accommodate First Nations on land and resource decisions. The Province has heeded the courts direction and has entered into a process with First Nations to determine how to implement this direction. Resources for this area are funded through the Negotiations core business area.

Treaty Negotiations Office Operating Context

The Treaty Negotiations Office faces a range of challenges both internally and externally which affect its operating context. In 2004/05, the Office furthered its efforts to achieve agreements with First Nations by focusing on the most promising opportunities and obtaining a one-time increase to resources, allocated to the Negotiations core business area to support this focus.

Externally, the Office seeks to manage the uncertainty associated with unreconciled aboriginal rights and title and Crown title and the impact associated over lands and resources decision-making. Treaty and other negotiations with First Nations aim to address these uncertainties by establishing agreements designed to enhance economic stability and opportunity in British Columbia.

Achieving certainty and reconciling the interests of the Crown with First Nations interests involves complex, multi-party negotiations which have a significant impact on the success of the treaty process and the Office's ability to meet its performance targets. The Office works collaboratively with other provincial ministries, First Nations, the federal government and other stakeholders to establish workable arrangements that contribute to increased certainty over Crown lands and resources in British Columbia. The support of these participants, and their active involvement in the treaty process, is necessary to achieve the goals and objectives of the Office.

For example, some of the key external factors which bear upon the Treaty Negotiations Office's ability to negotiate and conclude lasting agreements:

- Unwillingness of some First Nations to engage in the treaty process;
- The evolving legal landscape as a result of court decisions on Aboriginal rights; and
- Social and practical pressures within First Nation communities that may prevent First Nations from engaging in long-term negotiations or ratifying agreements.

New Era Commitments

The Treaty Negotiations Office continued to make progress in meeting the government's *New Era Commitments*.

Commitment	Progress
Fully protect private property rights and resource tenure rights in treaty negotiations.	Achieved and Ongoing — This principle was ratified in the 2002 referendum and is used in ongoing negotiations.
Protect private property rights and prevent government from expropriating assets without fair compensation.	Achieved and Ongoing — The signing of Agreements-in-Principle with the Lheidli T'enneh, Maa-Nulth, Sliammon, and Tsawwassen First Nations demonstrates that private property rights are being protected and will continue to be protected throughout the negotiation process.
Insist on equal, non-discriminatory voting rights for all Canadians in respect of governments that rule their lives.	Achieved and Ongoing — Governance agreements accompanying Agreements-in-Principle with First Nations will enable them to form democratically elected and accountable governments.
Work to ensure that all Aboriginal governments have the same legal status in B.C. as they do in every other province.	Achieved and Ongoing — British Columbia's publicly endorsed principles for treaty negotiations ensure Aboriginal governments have the status and authority necessary to meet community needs.
Work to expedite Treaty-Related Measures agreements with First Nations to provide greater certainty during treaty talks.	Achieved and Ongoing — The government has entered into 28 Treaty-Related Measures agreements in fiscal 2004/05 and continues to work with First Nations to fulfill this commitment.
Fast-track treaty talks to conclude fair settlements.	Achieved and Ongoing — Agreements-in-Principle have been signed with the Lheidli T'enneh, Maa-Nulth, Sliammon, and Tsawwassen First Nations. Final Agreement negotiations are progressing at an advanced pace.
Introduce a legislative framework for legally respecting Aboriginal rights protected under the Constitution in the absence of treaties.	Ongoing — Developing an approach that guides line ministries in meeting their legal obligations to consult with First Nations regarding rights and title.
Seek clear direction from the Supreme Court of Canada on constitutional questions about aboriginal self-government.	Alternative Approach — In the Spring of 2004, the government approved a framework for negotiating governance arrangements with First Nations. As part of this process, British Columbia is proposing to negotiate a range of governance authorities which will balance provincial interests with governance requirements of First Nations.

Report on Performance

Overview of Treaty Negotiations Office Goals and Linkage to Government Strategic Goals

TNO Mission

The Treaty Negotiations Office provides leadership in concluding agreements with First Nations. The Office works collaboratively with other provincial ministries, First Nation organizations, the federal government and other partners to establish workable arrangements with First Nations and increase certainty over Crown lands and resources in British Columbia.

Government Strategic Goals		TNO Goals
1. A Strong and Vibrant Provincial Economy.	→	1. Increased social and economic stability and investment in the province through greater certainty over Crown lands and resources.
	→	2. Optimal and cost-effective planning, management, administrative and operational support.
2. A Supportive Social Fabric.	→	1. Increased social and economic stability and investment in the province through greater certainty over Crown lands and resources.
3. Safe, Healthy Communities and a Sustainable Environment.	→	1. Increased social and economic stability and investment in the province through greater certainty over Crown lands and resources.
	→	2. Build strong and respectful relationships between government and First Nations based on a shared commitment to reconciliation and recognition.

Report on Results

Synopsis of Treaty Negotiations Office Results

TNO Goals	TNO Key Objectives	Measures/Targets	Results
1. Increased social and economic stability and investment in the province through greater certainty over Crown lands and resources.	1. Concluded agreements that define rights and responsibilities between parties and facilitate economic development.	Per cent of British Columbia Crown land covered by certainty arrangements.	✓✓
		Number of initialled Final Agreements and Agreements-in-Principle.	×
		Number of accommodation agreements.	✓✓
		Number of partnership initiatives involving First Nations and community organizations including local governments.	✓✓
	2. Increased participation of First Nations in the economy.	Number of economic development projects where British Columbia has fulfilled its funding obligations.	✓
2. Build strong and respectful relationships between government and First Nations based on a shared commitment to reconciliation and recognition.	1. Build trust with First Nations through a reconciliation and recognition framework.	Number of agreements that facilitate and strengthen relationships between First Nations and the government.	✓
		Number of actions taken to implement agreed joint activities.	✓✓
		Number of actions taken to build public awareness.	✓✓
		Incidence of direct action/blockades.	✓
3. Optimal and cost-effective planning, management, administrative and operational support.	1. Improved administrative operations through innovative business practices.	Per cent of budget targets met.	✓
		Per cent of employees with performance management plans.	✓
		Number of best practices adopted.	✓✓

✓✓ Exceeded target. ✓ Achieved target. △ Target mostly achieved. × Missed target.

Goal 1: Increased social and economic stability and investment in the province through greater certainty over Crown lands and resources.

The Treaty Negotiations Office's first goal pertains to improving First Nations social and economic conditions in the British Columbia. Currently, Aboriginal rights and title are unreconciled with the title of the Crown, resulting in conflicts between First Nations, government, business and industry over the use of Crown land and resources. Through the negotiation of treaties and other agreements the Province is working towards clearly defining Aboriginal rights and title to provide a greater economic base to First Nations and facilitate economic investment on Crown land. These negotiations also allow for mutually beneficial governance arrangements, business relationships and land management processes. This clarity of rights and responsibilities will assist with job creation and improved social conditions for Aboriginal people and all British Columbians. Risks associated with this goal include the potential for parties to not endorse arrangements being negotiated. This would result in significant delays in achieving goals, objectives and targets while parties to the negotiations seek a satisfactory solution.

Outcome/Key Indicator: Increased access to Crown lands and resources for economic development.

Performance Measures and Results

Per cent of British Columbia Crown Land covered by certainty arrangements

This measure is a reflection of the progress made by the province toward achieving greater certainty over the Crown land and resource base through negotiated agreements[5]. The target reflects a projection for stable and consistent progress toward increasing certainty and attaining our goal of increased social and economic stability across the province in upcoming fiscal years.

In fiscal 2004/05, the Treaty Negotiations Office surpassed its original target of 34 per cent, by attaining its goal of increased certainty across the Province and reaching a total of 37 per cent certainty over Crown land in British Columbia by fiscal year end. This increase was achieved primarily through the contribution of ongoing negotiations by the Ministry of Forests with the achievement of 33 Forest and Range Agreements.

Performance Measure	2003/04 Base	2004/05 Target	2004/05 Actual	2004/05 Variance
Per cent of British Columbia Crown Land covered by certainty arrangements[1]	32%[2]	34%[3]	37%	>3%

[1] The Treaty Negotiations Office works in conjunction with the Ministry of Sustainable Resource Management in the collection of data pertaining to the measurement of certainty achieved across the province. Data are contained in a database which is managed by the Ministry of Sustainable Resource Management and utilized by Treaty Negotiations Office staff.

[2] Represented in the 2004/05 Service Plan as TBD, actual base figure is 28 753 499 hectares of available Crown land.

[3] Represented in the 2004/05 Service Plan as 105% of base figure. An increase of 5% over the base figure is 1 437 675 hectares.

[5] Examples of negotiated agreements include accommodation agreements, forest and range agreements or memoranda of understanding.

Core Business Area(s): Negotiations, Economic Development

Objective 1: Concluded agreements that define rights and responsibilities between the parties and facilitate economic development.

This objective refers to the negotiation of agreements with First Nations where both parties agree to their respective rights and responsibilities regarding the ownership and use of Crown land and resources. By achieving agreements on these issues, the Province will restore confidence to the business community to invest in British Columbia and thereby restore economic vitality to the province.

Key Strategies

The following strategies were employed in order to achieve this objective:

1. Focused on key opportunities to conclude treaty-related agreements.
2. Innovated and streamlined negotiation practices to fast-track treaty settlements.
3. Provided leadership to line ministries and provincial agencies to support accommodation activities.
4. Implemented accountability measures for each negotiation table that described consultation practices with concerned parties on treaty-related issues.
5. Strengthened relations between Aboriginal and local governments and between Aboriginal and non-Aboriginal business interests.

Performance Measures and Results

Number of initialed Final Agreements and Agreements-in-Principle

This measure reflects the progress made toward the settlement of First Nations' land claims by the number of initialed and signed agreements negotiated, as well as progress made toward achieving further certainty and the objective of concluded agreements. The target was established to reflect a reasonable expectation of the advancement of the treaty process in fiscal year 2004/05.

The Treaty Negotiations Office established a target of achieving three to five Final Agreements and/or Agreements-in-Principle in 2004/05. The Office was successful in achieving one initialed Agreement-in-Principle with the Yekooche First Nation and continues to work to resolve outstanding issues in order to reach Final Agreements and Agreements-in-Principle with other First Nations.

Performance Measure	2003/04 Base	2004/05 Target	2004/05 Actual	2004/05 Variance
Number of initialed Final Agreements and Agreements-in-Principle[1]	4	3–5	1	<2–4

[1] The Treaty Negotiations Office tracks all treaty-related agreements as part of its core business function.

Number of accommodation agreements

This measure reflects the Province's obligation to accommodate, where necessary, First Nations interests in land and resource issues, which also facilitates economic development and certainty. The target reflects the progress made toward accommodating First Nations interests and increasing economic development over the fiscal year.

The Treaty Negotiations Office exceeded its target of one to two accommodation agreements for 2004/05, by achieving a total of three agreements over the span of the fiscal year. Accommodation agreements were signed in 2004/05 with the St'at'imc (St'at'imc Protocol), Squamish and Lil'wat First Nations (Sea to Sky Highway Upgrade) and the Tahltan and Iskut First Nations (Memorandum of Understanding).

Performance Measure	2003/04 Base	2004/05 Target	2004/05 Actual	2004/05 Variance
Number of accommodation agreements[1]	1[2]	1–2	3	>1–2

[1] The Treaty Negotiations Office tracks all accommodation agreements as part of its core business function.

[2] Represented in the 2004/2005 Service Plan as TBD.

Number of partnership initiatives involving First Nations and community organizations, including local governments

This measure is reflective of the Treaty Negotiations Office's ongoing commitment to facilitate partnerships with First Nations and community organizations, including local governments, in order to promote economic development, improve local relationships and create certainty in the province[6]. The target reflects the ongoing commitment of fostering improved relationships at a local community level which also facilitates progress toward certainty.

The Treaty Negotiations Office remained on target in fiscal 2004/05 with its objective of increasing the number of partnerships from a base of five partnership initiatives in 2003/04 to six in 2004/05. These results indicate the office's continued efforts to expand partnerships and relationships that facilitate economic development and increased certainty for the province.

[6] Partnership initiatives identified for 2004/05 include: Haisla – Intergovernmental Relations (with District of Kitimat), In-SHUCK-ch – Governance Structure (with Chilliwack, Pemberton, Squamish-Lillooet Regional District and Fraser Valley Regional District), Sliammon – Intergovernmental Relations Stage 4 (with Regional District of Powell River and the Corporation of the District of Powell River), Te'mexw – Intergovernmental Relations (with numerous municipalities and regional districts in the South Island and Nanaimo areas), Yale – Intergovernmental Service Agreement (with Fraser Valley Regional District), Yekooche – Community Skills Inventory and Working Pathways (Regional District of Bulkley Nechako).

Performance Measure	2003/04 Base	2004/05 Target	2004/05 Actual	2004/05 Variance
Number of partnership initiatives involving First Nations and community organizations, including local governments[1]	5[2]	6[3]	6	0

[1] The Treaty Negotiations Office tracks and monitors all treaty-related agreements including local government initiatives as part of its core business function.

[2] Represented in the 2004/05 Service Plan as TBD.

[3] Represented in the 2004/05 Service Plan as 105% of base.

Objective 2: Increased participation of First Nations in the economy

Through increased participation of First Nations in the economy, the provincial government supports economic development opportunities for First Nations. This includes improved training, expanded business skills and knowledge. By encouraging First Nation participation and enterprise we further the economic and social stability in the province. The Office achieves this objective through the administration of funding to First Nations who retain responsibilities regarding economic development project planning and implementation.

Key Strategies

The following strategies were employed in order to achieve the objective:

- Facilitated partnerships between First Nations, industry and government that promote economic development.
- Focused implementation of economic development projects.
- Developed a cross-government database to track skills development and employment in Aboriginal communities.

Performance Measures and Results

Number of economic development projects where British Columbia has fulfilled its funding obligations

This measure supports First Nations economic initiatives which contribute to an improved provincial economy. The target is a reflection of the remainder of projects identified for funding over the three-year term of the Economic Development Fund.

In 2003/04, the Treaty Negotiations Office established a target for 2004/05 of funding 34 economic development projects during that fiscal year. The Office was successful in accomplishing its target and achieved an actual total for 2004/05 of 34 projects funded.

Performance Measure	2003/04 Base	2004/05 Target	2004/05 Actual	2004/05 Variance
Number of economic development projects where British Columbia has fulfilled its funding obligations[1]	59	34	34	0

[1] The Treaty Negotiations Office maintains comprehensive files, tracking documents and a database for all Economic Development Fund initiatives.

Goal 2: Build strong and respectful relationships between government and First Nations based on a shared commitment to reconciliation and recognition.

The second goal reflects the provincial government's commitment to forge new relationships with First Nations based on reconciling past differences and an acknowledgement and recognition of each other's rights and responsibilities. Building relationships is fundamental if First Nations and the provincial government are to resolve their respective differences. Each party relies on the other to work toward building strong and respectful relationships which will help us move forward and achieve a brighter future for all British Columbians. Risks associated with achieving this goal include the potential for parties to not participate in arrangements which facilitate relationship building. This would result in considerable setbacks and delays in achieving goals, objectives and targets as the parties continue to work toward a reasonable solution.

Performance Measures and Results

Number of agreements that facilitate and strengthen relationships between First Nations and the government

This measure allows the Office to determine its ongoing progress toward relationship-building and reconciliation with First Nations. The target reflects a reasonable expectation for progress each fiscal year on improving the relationship between the Province and First Nations.

The Treaty Negotiations Office established a target of commencing one to two new relationships in fiscal 2004/05 which served to build relations between First Nations and the Province. Based on the target range for fiscal 2004/05, the Office has met and/or exceeded its target by entering into agreements with the St'at'imc First Nation and the Tahltan and Iskut First Nations.

Performance Measure	2003/04 Base	2004/05 Target	2004/05 Actual	2004/05 Variance
Number of agreements that facilitate and strengthen relationships between First Nations and the government[1]	1[2]	1–2	2	>0–1

[1] Data are tracked and monitored within the Treaty Negotiations Office as part of its core business function and record keeping practices.

[2] Represented in the 2004/05 Service Plan as TBD.

Core Business: Reconciliation, Negotiations

Objective 1: Build trust with First Nations through a reconciliation and recognition framework.

This objective reflects the Province's commitment to forge new relationships with First Nations by acknowledging past differences and recognizing each other's rights and responsibilities. By doing so, the Province and First Nations will move toward building trusting relationships, which form the foundation for the negotiation of treaties and other agreements. Both the Province and First Nations have joint responsibility in achieving this objective as both parties remain equally responsible for their part in reconciling the nature of our past relationships and making efforts to move forward to build better relationships for the future.

Key Strategies

The following strategies were employed in order to achieve this objective:

1. Worked co-operatively with First Nations to identify an agenda of activities focused on reconciliation and recognition.
2. Undertook initiatives to increase public awareness and understanding to promote a vision of reconciliation.
3. Developed policies, positions and mandates consistent with the principles of reconciliation and recognition.
4. Provided leadership to line ministries and provincial agencies undertaking reconciliation activities.

Performance Measures and Results

Number of actions taken to implement agreed joint activities

This measure reflects the number of activities implemented by the Treaty Negotiations Office in concert with First Nations that contributed to relationship-building. The target established reflects a steady increase in the number of actions undertaken.

The Treaty Negotiations Office established a target of three new joint activities for fiscal year 2004/05. The Office surpassed this target through the implementation of a total of four joint activities during the fiscal year including, but not limited to, tripartite meetings with the federal government and First Nations and facilitating the arrangement of regular meetings between First Nations leaders and senior government officials.

Performance Measure	2003/04 Base	2004/05 Target	2004/05 Actual	2004/05 Variance
Number of actions taken to implement agreed joint activities[1]	2[2]	3[3]	4	>1

[1] Data are tracked and monitored within the Treaty Negotiations Office as part of its core business function and record keeping practices.

[2] Represented in the 2004/05 Service Plan as TBD.

[3] Represented in the 2004/05 Service Plan as 105% of base.

Number of actions taken to build public awareness

This measure reflects the Treaty Negotiations Office's continued efforts to build relationships by undertaking initiatives that increase public awareness and promote a vision of reconciliation. The target is reflective of a gradual increase in the number of activities undertaken each fiscal year.

The Treaty Negotiations Office established a target for 2004/05 of 110 new actions undertaken to build public awareness, which was an increase over the base of 105 actions for 2003/04. The Office was successful in reaching its goal and exceeded its target for a total of 115 actions in fiscal 2004/05.

Performance Measure	2003/04 Base	2004/05 Target	2004/05 Actual	2004/05 Variance
Number of actions taken to build public awareness[1]	105[2]	110[3]	115	>5

[1] Actions taken to build public awareness include: announcements, meetings and public events, open houses, publications and speeches.

[2] Represented in the 2004/05 Service Plan as TBD.

[3] Represented in the 2004/05 Service Plan as 105% of base.

Incidence of direct action/blockades

This measure reflects the progress government has achieved in maintaining strong relationships with First Nations and successfully resolving issues. The target is indicative of a steady decrease in the number of direct actions each fiscal year.

The Treaty Negotiations Office reported a reduction of direct incidence and blockades from the base established in 2003/04. A maximum of eight was established in fiscal 2004/05 and the Office was successful in achieving this target.

Performance Measure	2003/04 Base	2004/05 Target	2004/05 Actual	2004/05 Variance
Incidence of direct action/blockades[1]	9	8	8	0

[1] Data have traditionally been monitored as part of the Office's core business function. This measure has been removed as a performance measure from future service plans as data will now be tracked and maintained informally from fiscal 2005/06 forward.

Goal 3: Optimal and cost-effective planning, management, administrative and operational support.

The third goal refers to the Treaty Negotiations Office's commitment to conduct business and operate the Office in the most cost-effective and efficient method possible. This includes meeting budgetary targets, ensuring employees are supported and encouraged in areas of learning and skill development, as well as adopting new ways of doing business internal to the organization which reflect proven examples of success referred to as "best practices". By adopting this approach internally, the Office is able to function in support of all core business areas and ensure cost-savings for taxpayers. Potential risks associated with not achieving this goal include missed budget targets, staff turnover and the use of outdated processes which would reduce productivity.

Performance Measures and Results

Per cent of budget targets met

This measure is reflective of the Treaty Negotiations Office's commitment to provide cost effective operational and support services throughout the organization. The target was established government-wide that all ministries would meet 100 per cent of their financial targets.

The Treaty Negotiations Office was successful in meeting its target for fiscal 2004/05 by achieving 100 per cent of its budgetary target.

Performance Measure	2003/04 Base	2004/05 Target	2004/05 Actual	2004/05 Variance
Per cent of budget targets met[1]	100%	100%	100%	0

[1] Financial data are comprehensively tracked in databases as a core component of the budget monitoring process.

Core Business: Negotiations

Objective 1: Improved administrative operations through innovative business practices and technology.

This objective reflects the Treaty Negotiations Office's commitment to ongoing improvement within the Office. Through improved business practices and the innovative use of technology, the Office streamlines internal administrative processes. By pursuing this objective, the Office ensures it is operating efficiently and economically using creative business practices to provide services and minimize costs. The Office achieves this objective in equal partnership with central government agencies that retain responsibility for the provision of shared services. This objective is linked to the Negotiations core business area as it holds responsibility for supporting the salaries, benefits and operating expenses of the Office.

Key Strategies

The following strategies were employed in order to achieve the objective:

1. Reviewed business practices, office procedures, and adopted best practices to improve cost-effectiveness and efficiency.
2. Developed a human resources plan to support and encourage employee learning and skills identification and development.
3. Identified technology solutions to better track and report on performance and risks associated with meeting business objectives.

Performance Measures and Results

Percentage of employees with performance management plans

This measure refers to the Treaty Negotiations Office commitment to support and encourage employee learning and development. The target was established based on a government-wide initiative that all ministries ensure staff possess current employee performance management plans.

In fiscal 2004/05 the Treaty Negotiations Office was on target in ensuring that 100 per cent of its employees had current employee performance management plans in place.

Performance Measure	2003/04 Base	2004/05 Target	2004/05 Actual	2004/05 Variance
Percentage of employees with performance management plans[1]	100%	100%	100%	0

[1] Data pertaining to employee performance management plans are held in a database and are monitored internally within the Treaty Negotiations Office via ongoing reporting mechanisms.

Numbers of best practices adopted

The Treaty Negotiations Office established this measure to reflect its commitment to continued improvement in areas of planning, management, administrative and operational support. The target speaks to the organization's ongoing pursuit of efficient and effective ways to improve the manner in which it conducts its day-to-day business and promotes a culture of continuous improvement.

In 2004/05 the Treaty Negotiations Office established a target consistent with the base data from the previous fiscal year of five additional best practices to be adopted each fiscal year.[7] During 2004/05 the Office surpassed its target and established six new best practices within the organization.

Performance Measure	2003/04 Base	2004/05 Target	2004/05 Actual	2004/05 Variance
Number of best practices adopted[1]	5	5	6	>1

[1] Data are tracked and monitored centrally within the organization as part of performance measure reporting.

[7] Best practices adopted in 2004/05 include: iExpense, iPlan, Time on Line, iProcurement, Sharepoint web based document collaboration pilot and an improved records management process.

Report on Resources

The table below indicates resource utilization for the Treaty Negotiations Office by core business area for 2004/05.

2004/05 Resource Summary

	Estimated[1]	Other Authorizations	Total Estimated	Actual	Variance (Actual minus Total Estimated)[2]
Operating Expenses ($000)					
Negotiations[3]	17,158	0	17,158	18,495	1,337
Treaty Settlement and Implementation[4]	4,704	0	4,704	2,205	(2,499)
Economic Development[5]	7,042	0	7,042	5,333	(1,709)
Total	**28,904**	**0**	**28,904**	**26,033**	**(2,871)**
Full-time Equivalents (Direct FTEs)					
Negotiations[6]	88	0	88	102	14
Total	**88**	**0**	**88**	**102**	**14**
Ministry Capital Expenditures (Consolidated Revenue Fund) ($000)					
Negotiations[7]	331	0	331	2	(329)
Total	**331**	**0**	**331**	**2**	**(329)**
Capital Plan ($000)					
By Core Business (and Purpose)	0	0	0	0	0
Total	**0**	**0**	**0**	**0**	**0**

[1] Estimated amounts correspond to the *Estimates* presented to the Legislature on February 17, 2004.

[2] Variance display convention has been changed this year to be consistent with the change introduced in public accounts. Variance is in all cases "Actual" minus "Total Estimates". Where the Actual is greater the Variance is displayed without brackets.

[3] The Negotiations budget experienced a variance due to a one-time increase in resourcing announced by government in September 2004.

[4] Treaty Settlement and Implementation budget experienced a variance due to the McLeod Lake Band's decision not to harvest timber and a reduction in payments required for Nisga'a Final Agreement costs.

[5] Economic Development budget experienced a variance due to First Nations choosing not to proceed with previously planned projects.

[6] Number of FTEs experienced a variance due to additional resources utilized to fast track negotiations as announced by government in September 2004.

[7] Ministry Capital Expenditures experienced a variance due to capital projects not proceeding as planned.

[8] Other Financing Transactions experienced a variance due to a reduced requirement for the acquisition of land for treaty settlements and lower than anticipated payments required for the Nisga'a Final Agreement.

	Estimated[1]	Other Authorizations	Total Estimated	Actual	Variance (Actual minus Total Estimated)[2]
Other Financing Transactions ($000)					
Treaty Settlement and Implementation Costs[8]					
Receipts	0	0	0	0	0
Disbursements	16,967	0	16,967	1,692	(15,275)
Net Cash Source (Requirements)	(16,967)	0	(16,967)	(1,692)	15,275
Total Receipts	**0**	**0**	**0**	**0**	**0**
Total Disbursements	**16,967**	**0**	**16,967**	**1,692**	**(15,275)**
Total Net Cash Source (Requirements)	**(16,967)**	**0**	**(16,967)**	**(1,692)**	**15,275**

[1] Estimated amounts correspond to the *Estimates* presented to the Legislature on February 17, 2004.

[2] Variance display convention has been changed this year to be consistent with the change introduced in public accounts. Variance is in all cases "Actual" minus "Total Estimates". Where the Actual is greater the Variance is displayed without brackets.

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[8] Other Financing Transactions experienced a variance due to a reduced requirement for the acquisition of land for treaty settlements and lower than anticipated payments required for the Nisga'a Final Agreement.

Appendix 1: British Columbia Treaty Commission Agreement Six-Stage Treaty Process

The six-stage treaty process is set out in the British Columbia Claims Task Force Report of 1991 and incorporated in the tripartite British Columbia Treaty Commission Agreement of 1992. The process is voluntary and open to all First Nations in British Columbia.

Stage 1 — Statement of intent to negotiate

A First Nation files with the British Columbia Treaty Commission a statement of intent to negotiate with Canada and British Columbia. The statement of intent:

- identifies the First Nation's governing body and the people that body represents
- shows that the governing body has a mandate to enter the treaty process
- describes the geographic area of the First Nation's traditional territory in British Columbia
- identifies any overlaps in territory with other First Nations.

Stage 2 — Readiness to negotiate

The Treaty Commission must convene an initial meeting of the three parties within 45 days of receiving a statement of intent. For most First Nations, this will be the first occasion on which they sit down at a treaty table with representatives of Canada and British Columbia. This meeting allows the Treaty Commission and the parties to exchange information, consider the criteria for determining the parties' readiness to negotiate and generally identify issues of concern. Each party must demonstrate that it has:

- a commitment to negotiate
- a qualified negotiator who has been given a clear mandate
- sufficient resources to undertake negotiations
- a ratification procedure.

In addition, the First Nation must have a plan for addressing any issues of overlapping territory with neighbouring First Nations. The governments of Canada and British Columbia must have a formal means of consulting with other parties, including local governments and interest groups.

Stage 3 — Negotiation of a framework agreement

The three parties negotiate a framework agreement, which identifies the issues to be negotiated, goals, procedures and a timetable for negotiations. Canada and British Columbia

engage in public consultation at the regional and local levels. The parties establish a public information program that will continue throughout the negotiations.

Stage 4 — Negotiation of an Agreement-in-Principle

The three parties examine in detail the issues identified in the framework agreement, with the goal of reaching an Agreement-in-Principle. The Agreement-in-Principle identifies and defines a range of rights and obligations, and forms the basis for the treaty. The parties also begin to plan for implementation of the treaty.

Stage 5 — Negotiation to finalize a treaty

Technical and legal issues are resolved to produce a Final Agreement that embodies the principles outlined in the Agreement-in-Principle and formalizes the new relationship among the parties. The treaty formalizes the new relationship among the parties and embodies the agreements reached in the Agreement-in-Principle. Once signed and formally ratified, the Final Agreement becomes a treaty.

Stage 6 — Implementation of the treaty

Plans to implement the treaty are put into effect or phased in as agreed. Long-term implementation plans need to be tailored to specific agreements. The table remains active in order to oversee implementation of the treaty.

Appendix 2: Treaty Principles

Principles that guide the provincial government treaty negotiations:

- Private property should not be expropriated for treaty settlements.
- The terms and conditions of leases and licences should be respected; fair compensation for unavoidable disruption of commercial interests should be ensured.
- Hunting, fishing and recreational opportunities on Crown land should be ensured for all British Columbians.
- Parks and protected areas should be maintained for the use and benefit of all British Columbians.
- Province-wide standards of resource management and environmental protection should continue to apply.
- Aboriginal self-government should have the characteristics of local government, with powers delegated from Canada and British Columbia.
- Treaties should include mechanisms for harmonizing land use planning between Aboriginal governments and neighbouring local governments.
- The existing tax exemptions for Aboriginal people should be phased out.